

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

**UNITED STATES OF AMERICA,** )  
  )  
  )  
**Plaintiff,**                      )  
  )  
  )  
**vs.**                                 )   **Case No. 5:08-cv-00882-CLS**  
  )  
  )  
**JOHN B. GRAY,**                 )  
  )  
**Defendant.**                      )

**FINDINGS AND CONCLUSIONS**

This cause coming on to be heard on the written motion of plaintiff, supported by affidavit, for Judgment by Default in favor of plaintiff, the United States of America, and against defendant, John B. Gray, pursuant to Rule 55(b), Federal Rules of Civil Procedure,<sup>1</sup> the court makes the following findings and conclusions:

1. The Summons and Complaint were served upon defendant, John B. Gray, on June 9, 2008. Defendant has failed to appear, plead, or otherwise defend.
2. Defendant, an individual, is not an infant or incompetent person; nor has defendant been in the military service of the United States since the filing of this suit or for a period of six months prior to such filing.
3. Defendant is indebted to plaintiff in the principal sum of Two Thousand

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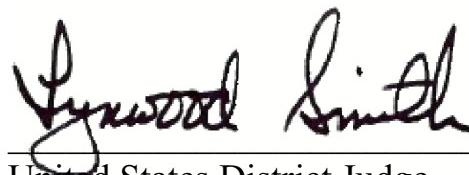
<sup>1</sup>See doc. no. 6 (amended motion for default judgment). Plaintiff's first motion for default judgment (doc. no. 4) is subsumed by the amended motion for default judgment; therefore, the first motion for default judgment is found to be MOOT.

Seven Hundred Sixty Dollars and Eighteen Cents (\$2,760.18), interest accrued as of August 21, 2008 in the amount of One Thousand Six Hundred Forty One Dollars and Thirty Three Cents (\$1,641.33),<sup>2</sup> costs of effecting service of process in the amount of Fifty Five Dollars and No Cents (\$55.00), and court costs of Three Hundred Fifty Dollars and No Cents (\$350.00).

4. Plaintiff is due to recover from defendant the total sum of Four Thousand Eight Hundred Six Dollars and Fifty One Cents (\$4,806.51), and interest thereafter accruing at the prevailing legal rate, per annum, until paid in full.

A judgment will be entered consistent with these findings and conclusions.

DONE this 21st day of August, 2008.



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United States District Judge

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<sup>2</sup>Because the United States of America failed to tender an affidavit computing the precise amount of interest accruing through today, the court has computed interest. The complaint alleges that, as of April 11, 2008, the government was owed \$1,561.27 in interest on the principal sum of \$2,760.18, and that interest continued to accrue at a rate of 8.02% per annum. The period of time between April 11, 2008 and today, August 21, 2008, is 132 days. Per annum interest on \$2,760.18, at a rate of 8.02%, translates into \$221.366436 a year, or \$0.606483 a day. The daily interest figure is multiplied by 132 days to arrive at the interest that has accrued since April 11, 2008, \$80.06. Adding up both the interest that accrued up to April 11, 2008 (\$1,561.27) and since then until August 21, 2008 (\$80.06), the court arrives at a total accumulated interest of \$1,641.33.